



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

FEB - 1 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Robin Lively
Owner/Operator
3985 North 1100 East
Buhl, Idaho 83316

Re: Lively Pond
NPDES Permit Number IDG130112

Dear Ms. Lively:

On behalf of the United States Environmental Protection Agency (EPA), I would like to express my appreciation for your time and cooperation during the April 28, 2015, Clean Water Act (CWA) inspection of Lively Pond (Facility) by the Idaho Department of Environmental Quality (IDEQ) on behalf of EPA. The purpose of the inspection and subsequent EPA administrative file review was to determine your Facility's compliance with the requirements of the Clean Water Act (CWA) and the NPDES general permit for *Aquaculture Facilities in Idaho, subject to Wasteload Allocations under Selected Total Maximum Daily Loads*. The purpose of this letter is to notify you of the results of the IDEQ inspection and EPA administrative file review.

REVIEW OF ADMINISTRATIVE FILES

1. Part II.A of the Permit states permittee must comply with the applicable effluent limits in the tables at all times, unless otherwise indicated, regardless of the frequency of monitoring required.

During EPA review of the Discharge Monitoring Reports (DMRs) from January 2011 to January 2016, 124 effluent limitation exceedances were discovered which constitute violations of the CWA, 33 U.S.C. § 1251 *et seq.* A list of these violations is enclosed (Enclosure A).

2. Part IV.D of the Permit states that during the term of this permit, the permittee must prepare and submit an annual report of operations by January 20 of each year to EPA and IDEQ.

During EPA review of DMR data from January 2011 to January 2016, it was discovered that the Facility submitted its 2013 Annual Review late. This is a violation of Part IV.D of the Permit.

3. Part IV.D of the Permit states that during the term of this permit, the permittee must prepare and submit an annual report of operations by January 20 of each year to EPA and IDEQ.

During EPA review of DMR data from January 2011 to January 2016, it was discovered that the Facility failed to submit its Annual Report in 2011 and 2012. These are violations of Part IV.D of the Permit.

4. Part V.B of the Permit states that the permittee must submit reports monthly, postmarked by the 20th day of the following month.

During EPA review of DMR data from January 2011 to January 2016, it was discovered that the Facility submitted the January 2015 DMR late. This is a violation of Part V.B of the Permit.

Please note: On December 21, 2015, the NPDES Electronic Reporting Rule became effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR. Additional information is enclosed (Enclosure B).

APRIL 2015 INSPECTION

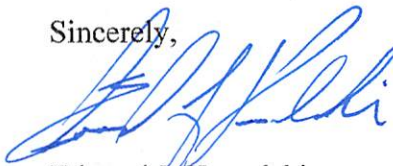
Part II.F.2 of the Permit states that the Quality Assurance Plan (QAP) must include qualification and training of personnel.

At the time of the inspection, the QAP did not include records of the training or qualifications of personnel. These are violations of Part II.F.2 of the Permit.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure C). If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252

Sincerely,



Edward J. Kowalski
Director

Enclosures

cc: Stephen Berry
IDEQ Compliance, Inspection, Enforcement Lead

David Anderson
IDEQ, Twin Falls Regional Office